

UNITED STATES DISTRICT COURT

EASTERN

District of

Pennsylvania

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

V.

BARRY CORBIN

Case Number:

DPAE2:10CR000573-001
DPAE2:09CR000490-001

USM Number:

63827-066

Nina Spizer, Esq.

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) 1, 2 and 3 on Docket No. 09-490 and Counts 1 through 10 on Docket No. 10-573

☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.

☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18:510(a)(2)	Uttering a treasury check with a forged endorsement	3/5/2009	1 (09-490)
18:1028(a)(1) and 2	Producing false identification document and aiding and abetting	3/5/2009	2 (09-490)
18:1028A(a)(1)	Aggravated identity theft	3/5/2009	3 (09-490)
18:371	Conspiracy to commit wire fraud	3/23/2009	1 (10-573)
18:1343, 1349 and 2	Wire fraud and aiding and abetting	2/13/2009	2, 4, 6 & 8 (10-573)
18:1028A(a)(1), (c)(5)	Aggravated identity theft and aiding and abetting	2/13/2009	3, 5, 7 & 9 (10-573)

The defendant is sentenced as provided in pages 2 through 13 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____

☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

February 28, 2011

Date of Imposition of Judgment

[Signature]
Signature of Judge

R. Barclay Surrick, U.S. District Judge

Name and Title of Judge

Signed:

March 3, 2011

Date

DEFENDANT: BARRY CORBIN

CASE NUMBER: 09-490 AND 10-573

ADDITIONAL COUNTS OF CONVICTION

Title & Section	Nature of Offense	Offense Ended	Count
18:1028(a)(5)	Possessing document-making implement	3/23/2009	10 (10-573)

DEFENDANT: BARRY CORBIN
CASE NUMBER: 09-490 AND 10-573

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

SEE PAGE 4

X The court makes the following recommendations to the Bureau of Prisons:
Designation to a facility as close to Defendant's home as possible with an evaluation and treatment for mental health.

X The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:
☐ at _____ ☐ a.m. ☐ p.m. on _____
☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
☐ before 2 p.m. on _____
☐ as notified by the United States Marshal.
☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL
By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: BARRY CORBIN
CASE NUMBER: 09-490 and 10-573

ADDITIONAL IMPRISONMENT TERMS

09-490:

- 120 Months on Count 1.
- 120 Months on Count 2 to run concurrently to Count 1.
- 24 Months on Count 3 to run consecutively to Counts 1 and 2.

10-573:

- 60 Months on Count 1 to run concurrently to Counts 1 and 2 on Case No. 09-490.
- 120 Months on Counts 2, 4, 6 and 8 to run concurrently with Count 1 and with Counts 1 and 2 on Case No. 09-490.
- 120 Months on Count 10 to run concurrently with Counts 1, 2, 4, 6 and 8, and with Counts 1 and 2 on Case No. 09-490.
- 24 Months on Counts 3, 5, 7 and 9 to run consecutively to each other and consecutively to Counts 1, 2, 4, 6, 8 and 10 and consecutively to Counts 1, 2 and 3 on Case No. 09-490.

FOR A TOTAL SENTENCE OF: 240 MONTHS.

DEFENDANT: BARRY CORBIN
CASE NUMBER: 09-490 AND 10-573

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

SEE PAGE 6.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court’s determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant’s criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant’s compliance with such notification requirement.

DEFENDANT: BARRY CORBIN
CASE NUMBER: 09-490 AND 10-573

SUPERVISED RELEASE TERMS

Upon release from imprisonment, the defendant shall be placed on supervised release for a term of three (3) years. This term consists of terms of three years on each of Counts 1 and 2 (Indictment No. 09-490) and Counts 1, 2, 4, 6, 8 and 10 (Information No. 10-573) and a term of one year on each of Count three (Indictment No. 09-490) and Counts 3, 5, 7 and 9 (Information No. 10-573), all such terms to run concurrently.

DEFENDANT: BARRY CORBIN
CASE NUMBER: 09-490 AND 10-573

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall refrain from the illegal possession and/or use of drugs and shall submit to urinalysis or other forms of testing to ensure compliance. It is further ordered that the defendant shall submit to drug treatment, on an outpatient or inpatient basis, as directed by the U.S. Probation Office. The defendant shall abide by the rules of any program and shall remain in treatment until satisfactorily discharged with the approval of the U.S. Probation Office.
2. The defendant shall provide the U.S. Probation Office with full disclosure of his financial records to include yearly income tax returns upon the request of the U.S. Probation Office. The defendant shall cooperate with the probation officer in the investigation of his financial dealings and shall provide truthful monthly statements of his income.
3. The defendant shall participate in a mental health program for evaluation and/or treatment as directed by the U.S. Probation Office. The defendant shall remain in treatment until satisfactorily discharged and with the approval of the U.S. Probation Office.
4. The defendant is prohibited from incurring any new credit charges or opening additional lines of credit without the approval of the probation officer, unless the defendant is in compliance with a payment schedule for any fine or restitution obligation. The defendant shall not encumber or liquidate interest in any assets unless it is in direct service of the fine or restitution obligation or otherwise has the express approval of the Court.

DEFENDANT: BARRY CORBIN
CASE NUMBER: 09-490 AND 10-573

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 300.00 (Case No.	\$ 0.00	\$ 122,378.42

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☒ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
See Pages 9 through 12			

TOTALS \$ _____ 0 \$ _____ 0

☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☒ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☒ the interest requirement is waived for the ☐ fine ☒ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

Restitution/Victim Information for Barry Corbin 09/490-01 and 10/573-01		
Victim	Address	Restitution
	<u>VISA</u>	
1. Chase Bank	2500 Westfield Drive Elgin, IL 60123	\$40,964.26
2. Citibank S. Dakota	Fraud Investigation: Citibank USA 14000 City Bank Way Jacksonville, FL 32258	\$737.40
3. Visa Belgium	Atos Worldwide Fraud Control Chaussee de Haecht Brussels, Belgium	\$2,535.26
4. Fia Card Services	Fia Card Services 1100 North King Street Wilmington, DE 19884	\$1,747.68
5. Credit Lyonnais	Immeuble l'Esplanade 123, 28 Allee Jean Rostand 91000 Avry, France	\$1,590.18
6. TD Bank	Fraud Investigation Commerce Bank, 11000 Atrium Way Mt. Laurel, NJ 08054	\$326.50
7. Barclays Bank	Barclaycard Fraud Operations 1234 Pavillion Drive Northampton, UK NN47SG	\$298.88
8. Navy Federal Credit Union	820 Follin Lane Vienna, VA 22180	\$702.95
9. Capital One Bank	Capitol One Bank National Assoc. P.O. Box 26074 Glen Allen, VA 23286	\$2,473.23
10. US Bank National Association	Fraud Prevention P.O. Box 6355 Fargo, ND 58125-6355	\$1,874.26

Restitution/Victim Information for Barry Corbin 09/490-01 and 10/573-01		
Victim	Address	Restitution
11. Bank of America	210 Town Park Drive Kennesaw, GA 30144	\$398.51
12. CNB	The Centreville National Bank of Maryland 109 N. Commerce St. Centreville, MD 21617	\$429.87
13. Royal Bank of Scotland	P.O. Box 6050 Southend-On-Sea Essex, England, UK SS9 1WL	\$416.80
14. Wells Fargo	Card Services 1220 Concord Ave MAC#A0314-047 Concord, CA 94520	\$20.95
15. Australia New Zealand Banking Group, Ltd.	Level 10 75 Dorcas St South Melbourne Victoria, Australia 3205	\$1,738.26
Visa Totals		\$56,254.72
	MASTERCARD	
1. Eastern Bank	195 Market Street Lynn, MA 01901	\$684.01
2. Capitol One	15000 Capitol One Drive Richmond, VA 23238	\$4,095.38
3. ING Bank	STE 200 600 West Saint Germain Street Cloud MN 56301	\$2,541.66
4. Commonwealth Bank of Australia	Exec Level 8 175 Pitt Street Sydney NSW 2000 Australia	\$273.14
5. MBNA Europe Bank Limited	474-087-01-02 Industry Relations Chesgter Business Park Wrexham RD Cheshire CH49FB, UK	\$103.50

Restitution/Victim Information for Barry Corbin 09/490-01 and 10/573-01		
Victim	Address	Restitution
6. USAA Federal Savings Bank	10750 McDermott Freeway San Antonio, TX 78288	\$1,209.19
7. Citibank S. Dakota	P.O. Box 6014 Lakes, NV 89163	\$3,386.33
8. National Westminster	Premier Place 2 ½ Devonshire Square London, EC2M 4BA UK	\$292.50
9. FIA Card Services	1100 North King Street Wilmington, DE 19884	\$449.63
10. Chase	Three Christina Centre 201 Walnut Street Wilmington, DE 19801	\$2,094.65
11. EDS Credit Union	5640 Democracy Drive Plano, TX 75024	\$337.24
12. Citizens Bank Rhode Island	1 Citizen Drive Riverside, RI 02915	\$500.00
Mastercard Totals		\$15,967.23
1. American Express	P.O. Box 807 Northfield, NJ 08225	\$19,149.71
2. Wilsons's Check Cashing	1201 Susquehanna Avenue Philadelphia, PA 19125	\$4,067.52
3. Home Depot	Processing Center Des Moines, Iowa 50364-0500	\$995.15
4. Northern Tools & Equipment	Corporate Offices 2800 Southcross Drive West Burnsville, MN 55306	\$59.99
5. Lowe's G.E. Money Bank/GEMB	P.O. Box 981064 El Paso, TX 79998-1064	\$1,143.41
6. Radio Shack/ Citibank (South Dakota) N.A.	P.O. Box 6403 Sioux Falls, SD 57117	\$1,356.86
7. Citibank Customer Service	P.O. Box 6500 Sioux Falls, SD 57117	\$3,653.45

Restitution/Victim Information for Barry Corbin 09/490-01 and 10/573-01		
Victim	Address	Restitution
8. Carlyle & Co. Jewelers	P.O. Box 21768 Greensboro, NC 27420	\$6,340.00
9. Capital One	P.O. Box 30285 Salt Lake City, UT 84130-0285 Attn: General Correspondence	\$4,095.38
10. Sears-Citibank	General Inquiries P.O. Box 6275 Sioux Falls, SD 57117-6275	\$3,000.00
11. Boscov's Department Store	HSBC Bank P.O. Box 2013 Buffalo, NY 14240	\$2,514.00
Totals		\$122,378.42

DEFENDANT: BARRY CORBIN
CASE NUMBER: 09-490 AND 10-573

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 1300.00 due immediately, balance due
- ☐ not later than _____, or
X in accordance X C, X D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C X Payment in equal quarterly (e.g., weekly, monthly, quarterly) installments of \$ 25.00 over a period of 240 months (e.g., months or years), to commence 30 days (e.g., 30 or 60 days) after the date of this judgment; or
- D X Payment in equal monthly (e.g., weekly, monthly, quarterly) installments of \$ 100.00 over a period of 36 months (e.g., months or years), to commence 6 months (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.